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Country/ entity	South Sudan Sudan
Region	Africa (excl MENA) Africa (excl MENA)
Agreement name	Agreement between Sudan and South Sudan on Border Issues
Date	27 Sep 2012
Agreement status	Multiparty signed/agreed
Interim arrangement	Yes
Agreement/ conflict level	Interstate/intrastate conflict(s) (Sudan Conflicts (1955 -))
Stage	Framework/substantive - partial
Conflict nature	Government/territory
Peace process	North - South Sudan secession process
Parties	H.E. Idriss Abdel Gadir, On behalf of the Republic of the Sudan; H.E. Pagan Amum Okiech, On behalf of the Republic of South Sudan
Third parties	Witnessed by: H.E. Pierre Buyoya, On behalf of the African Union High Level Implementation Panel
Description	An agreement that provides for a peaceful and secure border between the two states, with an Integrated Border Management Approach (IBMA) that calls for bilateral, inter-agency, intra-agency, and local participation, and for a Joint Demarcation Committee to undergo a demarcation process. The agreement also establishes measures for transboundary populations and border communities, border security, and a Joint Border Commission to manage policies and principles within this agreement.

Agreement
document

[SD_120927_Agreement btwn Sudan and South Sudan on Border Issues.pdf](#)  | [Download PDF](#)

Groups

Children/ youth	No specific mention.
Disabled persons	No specific mention.
Elderly/age	No specific mention.
Migrant workers	No specific mention.
Racial/ ethnic/ national group	No specific mention.
Religious groups	No specific mention.
Indigenous people	No specific mention.
Other groups	No specific mention.
Refugees/ displaced persons	No specific mention.
Social class	No specific mention.

Gender

Women, girls and gender	No specific mention.
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Men and boys No specific mention.

LGBTI No specific mention.

Family No specific mention.

State definition

Nature of state (general) No specific mention.

State configuration No specific mention.

Self determination No specific mention.

Referendum No specific mention.

State symbols No specific mention.

Independence/secession Page 4, Part III - Demarcation of the Boundary
5. Commitment to Demarcate the Boundary
(1) The two States affirm the definition of the agreed boundary in accordance with the physical description and delimitation, and corresponding recommendations of the Technical Committee for the 1/1/1956 Border Line Demarcation Between North and South Sudan, as affirmed by the Presidency of the Republic of the Sudan prior to the secession of Southern Sudan.

Accession/unification No specific mention.

Border delimitation Page 2, The Preamble:
Committed to completing the demarcation of the international border between the Parties, and to resolve, expeditiously, all outstanding disputes relating to the border;
Acknowledging the necessity of reaching final agreements on all key border issues in an integrated manner and to provide for appropriate mechanisms for their implementation;

Page 3, Part II - Soft Border

2. Peaceful and Secure Border

(1) The Parties shall maintain a peaceful, safe and secure border, along which economic activity and social interactions can flourish and across which people can move, and goods and services can flow easily.

Page 4, Part III - Demarcation of the Boundary

5. Commitment to Demarcate the Boundary

(1) The two States affirm the definition of the agreed boundary in accordance with the physical description and delimitation, and corresponding recommendations of the Technical Committee for the 1/1/1956 Border Line Demarcation Between North and South Sudan, as affirmed by the Presidency of the Republic of the Sudan prior to the secession of Southern Sudan.

(2) Accordingly, the two States shall jointly demarcate the boundary from the tri-junction-point of the Republic of the Sudan, the Republic of South Sudan and the Central African Republic to the tri-junction point of the Republic of the Sudan, the Republic of South Sudan and the Federal Democratic Republic of Ethiopia.

Page 5, Part III - Demarcation of the Boundary

6. Guiding Principles for Demarcation

(1) The two States shall ensure that the demarcation exercise contributes to the maintenance of peaceful co-existence between the two States and the border communities.

(2) The demarcation process shall take into account African best practices which seek to maintain the sanctity and cohesion of communities and to foster peaceful co-existence between neighbours.

(3) During the demarcation process, the two States shall ensure the proper management of the natural resources along the border and in particular the protection of fragile eco-systems.

Page 5, Part III - Demarcation of the Boundary

7. Demarcation Period for Agreed Boundary

(1) The two States recognize the urgency of demarcating the agreed boundary as referred to in Article 5(2) of this Agreement, and shall complete the demarcation within three months of the commencement of the demarcation exercise.

(2) The demarcation process shall commence immediately upon the establishment of the Joint Demarcation Committee (JDC) and the Joint Technical Team (JTT) in accordance with this Agreement, and, in any event, not later than sixty (60) days after the ratification of this Agreement.

(3) The two States may extend the demarcation period referred to in paragraph (1) of this article upon the recommendation of the JDC, which shall be based on credible technical grounds.

(4) Notwithstanding the expiry of the demarcation period, the mandate and work of the JDC and the JTT shall not be interrupted while a decision on the

Cross-
border
provision

Page 2, The Preamble:

Recognising the common heritage and abiding connections between the Sudanese and South Sudanese peoples, particularly those who live along the common border between the Parties;
Resolving to promote social and economic interactions and cooperation between the Parties and its peoples;

Page 3, Part II - Soft Border

2. Peaceful and Secure Border

(1) The Parties shall maintain a peaceful, safe and secure border, along which economic activity and social interactions can flourish and across which people can move, and goods and services can flow easily.

(2) The Parties shall develop jointly and progressively their vision of a peaceful, safe and secure international boundary and, in particular, they shall encourage and support coordinated management of the border at all levels.

(3) The Parties shall resolve any conflicts that may arise in relation to the border exclusively through peaceful means.

Page 4, Part II - Soft Border

3. Integrated Border Management Approach

(1) The Parties recognise the special character of the border and the need to regulate, protect and promote the various interests of public and community nature along the border.

(2) Accordingly, the Parties shall adopt an integrated border management approach (IBMA) aimed at ensuring coordinated management of the multiple border control and other interests of each State.

Page 4, Part II - Soft Border

4. Key Pillars of the IBMA

(1) The integrated border management approach shall consist of the following pillars:

(i) Bi-lateral cooperation

(ii) Inter-agency cooperation

(iii) Intra-agency cooperation

(iv) Local (stakeholder) participation

(2) In the adoption or implementation of any measure under the IBMA, the views and interests of the various stakeholders including, the host communities, the administrative, security and private sectors, as well as other community actors, shall be taken into account.

Page 4, Part III - Demarcation of the Boundary

5. Commitment to Demarcate the Boundary

(2) Accordingly, the two States shall jointly demarcate the boundary from the tri-junction-point of the Republic of the Sudan, the Republic of South Sudan and the Central African Republic to the tri-junction point of the Republic of the Sudan, the Republic of South Sudan and the Federal Democratic Republic of Ethiopia.

Page 5, Part III - Demarcation of the Boundary

6. Guiding Principles for Demarcation

(1) The two States shall ensure that the demarcation exercise contributes to the maintenance of peaceful co-existence between the two States and the border communities. Page 5 of 21

(2) The demarcation process shall take into account African best practices

Governance

Political institutions (new or reformed) No specific mention.

Elections No specific mention.

Electoral commission No specific mention.

Political parties reform No specific mention.

Civil society Page 4, Part II - Soft Border

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Page 5, Part III - Demarcation of the Boundary

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(2) The demarcation process shall take into account African best practices which seek to maintain the sanctity and cohesion of communities and to foster peaceful co-existence between neighbours.

Page 8, Part VII - Transboundary Populations

14. Management of Transhumance

(1) The Parties shall regulate, protect and promote the livelihoods of border communities without prejudice to the rights of the host communities and in particular those of the nomadic and pastoral communities especially their seasonal customary right to cross, with their livestock, the international boundary between the Parties for access to pasture and water.

Page 8, Part VII - Transboundary Populations

14. Management of Transhumance

(2) The Parties may reach further agreements to facilitate the peaceful movement of nomadic and pastoral communities taking into consideration the primary interest of the host communities and the security implications of such movements.

Page 8-9, Part VII - Transboundary Populations

15. General provisions on Border communities

(2) In the adoption or implementation of any measure or policy, the JBC shall give due consideration to the views of the host communities, border, communities as well as to the interests and views of other affected interest groups.

Page 9, Part VIII - Managing Border Security

16. Holistic Approach to Security

(2) The Parties shall develop and enhance the capacity of security personnel and border community leaders to address conflict-related issues.

Traditional/
religious
leaders No specific mention.

Public
administration No specific mention.

Constitution No specific mention.

Power sharing

Political
power
sharing No specific mention.

Territorial
power
sharing No specific mention.

Economic power sharing	<p>Power sharing→Economic power sharing→Fiscal federalism</p> <p>Page 7, Part V - Demarcation Process</p> <p>12. Costs and Technical Requirements for Demarcation</p> <p>(1) The costs of the demarcation exercise shall be met from funds to which each State shall contribute equally.</p> <p>(2) Each State shall pay its contribution towards the costs of the demarcation exercise into a Joint Escrow Account to be set up within one (1) week of the establishment of the Joint Demarcation Committee. At the time of the establishment of the account each State shall deposit USD \$100,000.</p> <p>(3) Upon the completion of the comprehensive plan, including the budget, referred to in Article (8)(1) of this Agreement, each State shall pay its equal financial obligation towards the budget as follows:</p> <p>(a) Seventy percent (70%) within one week of adoption of the plan and budget.</p> <p>(b) Fifteen percent (15%) within one month of adoption of the plan and budget.</p> <p>(c) Fifteen percent (15%) within two months of the adoption of the plan and budget.</p> <p>Page 12, Part IX - Miscellaneous Provisions</p> <p>28. Border Fund</p> <p>(1) The Parties shall establish a fund for supporting the implementation of this Agreement and to facilitate the activities of the Joint Border Commission.</p> <p>(2) The Parties shall make equal contributions into the fund, and may solicit additional assistance from third parties.</p>
Military power sharing	No specific mention.

Human rights and equality

Human rights/RoL general	No specific mention.
Bill of rights/similar	No specific mention.
Treaty incorporation	No specific mention.

Civil and political rights

Human rights and equality→Civil and political rights→Equality

Page 5-6, Part IV - Institutions relating to Demarcation

8. Joint Demarcation Committee

(3) The JDC shall have ten members and shall be composed of an equal number of representatives from each State, drawn from persons with relevant knowledge or expertise in cartography, law and any other relevant discipline. The JDC shall have two co-chairs: one nominated by each State.

Page 6, Part IV - Institutions relating to Demarcation

9. Joint Technical Team

(1) Within two weeks of its first sitting, the JDC shall establish the JTT. The JTT shall consist of an equal number of surveyors, cartographers and other appropriate experts, including construction engineers, from each State.

Page 7, Part V - Demarcation Process

12. Costs and Technical Requirements for Demarcation

(1) The costs of the demarcation exercise shall be met from funds to which each State shall contribute equally.

[...] (3) Upon the completion of the comprehensive plan, including the budget, referred to in Article (8)(1) of this Agreement, each State shall pay its equal financial obligation towards the budget as follows:

Page 8, Part VII - Transboundary Populations

14. Management of Transhumance

(1) The Parties shall regulate, protect and promote the livelihoods of border communities without prejudice to the rights of the host communities and in particular those of the nomadic and pastoral communities especially their seasonal customary right to cross, with their livestock, the international boundary between the Parties for access to pasture and water.

Page 12, Part IX - Miscellaneous Provisions

28. Border Fund

(2) The Parties shall make equal contributions into the fund, and may solicit additional assistance from third parties.

Human rights and equality→Civil and political rights→Freedom of movement

Page 8, Part VII - Transboundary Populations

14. Management of Transhumance

(1) The Parties shall regulate, protect and promote the livelihoods of border communities without prejudice to the rights of the host communities and in particular those of the nomadic and pastoral communities especially their seasonal customary right to cross, with their livestock, the international boundary between the Parties for access to pasture and water.

Socio-economic rights Human rights and equality→Socio-economic rights→Cultural life
Page 8, Part VII - Transboundary Populations
14. Management of Transhumance
(1) The Parties shall regulate, protect and promote the livelihoods of border communities without prejudice to the rights of the host communities and in particular those of the nomadic and pastoral communities especially their seasonal customary right to cross, with their livestock, the international boundary between the Parties for access to pasture and water.

Rights related issues

Citizenship No specific mention.

Democracy No specific mention.

Detention procedures No specific mention.

Media and communication Rights related issues→Media and communication→Media roles
Page 11, Part VIII - Specific Policies for Management of the Border
27. Dissemination of Policies
The Parties shall ensure that residents of the border and other affected persons have access to information concerning any decisions and developments relevant to the border, such as: legislation, official policies and agreements.

Mobility/
access

Page 3, Part II - Soft Border

2. Peaceful and Secure Border

(1) The Parties shall maintain a peaceful, safe and secure border, along which economic activity and social interactions can flourish and across which people can move, and goods and services can flow easily.

Page 4, Part II - Soft Border

3. Integrated Border Management Approach

(1) The Parties recognise the special character of the border and the need to regulate, protect and promote the various interests of public and community nature along the border.

(2) Accordingly, the Parties shall adopt an integrated border management approach (IBMA) aimed at ensuring coordinated management of the multiple border control and other interests of each State.

Page 8, Part VII - Transboundary Populations

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(1) The Parties shall regulate, protect and promote the livelihoods of border communities without prejudice to the rights of the host communities and in particular those of the nomadic and pastoral communities especially their seasonal customary right to cross, with their livestock, the international boundary between the Parties for access to pasture and water.

Page 8, Part VII - Transboundary Populations

14. Management of Transhumance

(2) The Parties may reach further agreements to facilitate the peaceful movement of nomadic and pastoral communities taking into consideration the primary interest of the host communities and the security implications of such movements.

Page 8-9, Part VII - Transboundary Populations

15. General provisions on Border communities

(1) The Parties may reach other agreements to facilitate the movement of members of border communities across the international boundary.

(2) In the adoption or implementation of any measure or policy, the JBC shall give due consideration to the views of the host communities, border, communities as well as to the interests and views of other affected interest groups.

Page 10, Part VII - Institutional Arrangements for Managing the Border

20. Coordination on Security Issues

The primary responsibility for the joint management of security along the border shall lie with the Joint Political and Security Mechanism (JPSM), which shall coordinate its activities with the Joint Border Commission, especially with regard to the management of movement routes and corridors for the use of transboundary communities.

Protection measures	<p>Rights related issues→Protection measures→Protection of civilians Page 4, Part II - Soft Border</p> <p>3. Integrated Border Management Approach (1) The Parties recognise the special character of the border and the need to regulate, protect and promote the various interests of public and community nature along the border. (2) Accordingly, the Parties shall adopt an integrated border management approach (IBMA) aimed at ensuring coordinated management of the multiple border control and other interests of each State.</p> <p>Page 8, Part VII - Transboundary Populations 14. Management of Transhumance (1) The Parties shall regulate, protect and promote the livelihoods of border communities without prejudice to the rights of the host communities and in particular those of the nomadic and pastoral communities especially their seasonal customary right to cross, with their livestock, the international boundary between the Parties for access to pasture and water.</p>
Other	No specific mention.

Rights institutions

NHRI	No specific mention.
Regional or international human rights institutions	No specific mention.

Justice sector reform

Criminal justice and emergency law	No specific mention.
State of emergency provisions	No specific mention.

Judiciary and courts No specific mention.

Prisons and detention No specific mention.

Traditional Laws No specific mention.

Socio-economic reconstruction

Development or socio-economic reconstruction Socio-economic reconstruction→Development or socio-economic reconstruction→Socio-economic development
Page 2, The Preamble:
Resolving to promote social and economic interactions and cooperation between the Parties and its peoples;

Page 3, Part II - Soft Border

2. Peaceful and Secure Border

(1) The Parties shall maintain a peaceful, safe and secure border, along which economic activity and social interactions can flourish and across which people can move, and goods and services can flow easily.

Page 10, Part VII - Institutional Arrangements for Managing the Border

19. Structures of the Commission

(I) In addition to the Joint Demarcation Committee, established in Part III of this Agreement, the Commission shall establish and facilitate joint committees for the effective carrying out of its specific functions including any of the following:

(i) Social and economic issues; [...]

(iii) Border development and infrastructure;

Page 12, Part IX - Miscellaneous Provisions

28. Border Fund

(1) The Parties shall establish a fund for supporting the implementation of this Agreement and to facilitate the activities of the Joint Border Commission.

(2) The Parties shall make equal contributions into the fund, and may solicit additional assistance from third parties.

National economic plan No specific mention.

Natural resources	<p>Page 5, Part III - Demarcation of the Boundary</p> <p>6. Guiding Principles for Demarcation</p> <p>(3) During the demarcation process, the two States shall ensure the proper management of the natural resources along the border and in particular the protection of fragile eco-systems.</p>
International funds	<p>Page 7, Part V - Demarcation Process</p> <p>12. Costs and Technical Requirements for Demarcation</p> <p>(4) The African Union, or any other entity, may, upon the joint request of the Parties, provide technical or financial assistance to facilitate the demarcation exercise.</p>
Business	No specific mention.
Taxation	<p>Socio-economic reconstruction→Taxation→Reform of taxation</p> <p>Page 11, Part VIII - Specific Policies for Management of the Border</p> <p>26. Economic and Trade Policies</p> <p>(4) The Parties shall permit and facilitate local subsistence trade between border communities, without formal taxation.</p>
Banks	<p>Socio-economic reconstruction→Banks→Cross-border financial flows</p> <p>Page 11, Part VIII - Specific Policies for Management of the Border</p> <p>26. Economic and Trade Policies</p> <p>(3) The Parties shall promote investment along the border and shall promote and facilitate the access of border communities to commercial banking, telecommunications, and currency exchange facilities.</p>

Land, property and environment

Land reform/ rights	No specific mention.
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Pastoralist/
nomadism
rights

Page 3, Part I - Definitions and Key Principles

Transhumance: means the practice of moving livestock from one grazing area to another in a seasonal cycle.

14. Management of Transhumance

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Page 8, Part VII - Transboundary Populations

14. Management of Transhumance

(2) The Parties may reach further agreements to facilitate the peaceful movement of nomadic and pastoral communities taking into consideration the primary interest of the host communities and the security implications of such movements.

Page 8, Part VII - Transboundary Populations

14. Management of Transhumance

(3) The Joint Border Commission shall adopt a comprehensive border management policy for the management of resources, including: rangelands, watersheds, stock routes and grazing areas.

Page 8-9, Part VII - Transboundary Populations

15. General provisions on Border communities

(1) The Parties may reach other agreements to facilitate the movement of members of border communities across the international boundary.
(2) In the adoption or implementation of any measure or policy, the JBC shall give due consideration to the views of the host communities, border, communities as well as to the interests and views of other affected interest groups.

Page 9, Part VIII - Managing Border Security

16. Holistic Approach to Security

(3) Consistent with Part V of this Agreement, special attention shall be given to the security issues arising from transhumance.

Page 10, Part VII - Institutional Arrangements for Managing the Border

19. Structures of the Commission

(i) In addition to the Joint Demarcation Committee, established in Part III of this Agreement, the Commission shall establish and facilitate joint committees for the effective carrying out of its specific functions including any of the following: [...]

(ii) Transboundary resources management;

Page 10, Part VII - Institutional Arrangements for Managing the Border

20. Coordination on Security Issues

The primary responsibility for the joint management of security along the border shall lie with the Joint Political and Security Mechanism (JPSM), which shall coordinate its activities with the Joint Border Commission, especially with regard to the management of movement routes and corridors for the use of transboundary communities.

Cultural heritage	<p>Land, property and environment→Cultural heritage→Tangible [Summary] Protection of pastoral customs. See pastoral rights.</p> <p>Land, property and environment→Cultural heritage→Other Page 2, The Preamble: Recognising the common heritage and abiding connections between the Sudanese and South Sudanese peoples, particularly those who live along the common border between the Parties;</p>
Environment	<p>Page 5, Part III - Demarcation of the Boundary 6. Guiding Principles for Demarcation (3) During the demarcation process, the two States shall ensure the proper management of the natural resources along the border and in particular the protection of fragile eco-systems.</p>
Water or riparian rights or access	<p>Page 8, Part VII - Transboundary Populations 14. Management of Transhumance (1) The Parties shall regulate, protect and promote the livelihoods of border communities without prejudice to the rights of the host communities and in particular those of the nomadic and pastoral communities especially their seasonal customary right to cross, with their livestock, the international boundary between the Parties for access to pasture and water.</p> <p>Page 8, Part VII - Transboundary Populations 14. Management of Transhumance (3) The Joint Border Commission shall adopt a comprehensive border management policy for the management of resources, including: rangelands, watersheds, stock routes and grazing areas.</p>

Security sector

Security Page 8, Part VI - Other Issues

Guarantees 13. Provision of Security for Demarcation

(1) As soon as it has adopted the demarcation plan, the JDC shall notify the Joint Political and Security Mechanism (JPSM) of the proposed date for the commencement of the demarcation process as well as other details relating to the demarcation process.

Page 8, Part VI - Other Issues

13. Provision of Security for Demarcation

(2) In accordance with the Agreement on Border Security and Joint Political and Security Mechanism signed by the Parties on 29th June 2011, and the Agreement on the Border Monitoring Support Mission signed on 30th July 2011, the JPSM shall provide protection for the demarcation teams and for the equipment and other facilities relating to the demarcation process.

Page 9, Part VIII - Managing Border Security

16. Holistic Approach to Security

(1) Consistent with the IBMA, each State shall adopt a holistic approach to the management of security along the border encompassing: conflict prevention, conflict management, conflict resolution as well as reconciliation and other peace-building measures.

(2) The Parties shall develop and enhance the capacity of security personnel and border community leaders to address conflict-related issues.

(3) Consistent with Part V of this Agreement, special attention shall be given to the security issues arising from transhumance.

Page 10, Part VII - Institutional Arrangements for Managing the Border

20. Coordination on Security Issues

The primary responsibility for the joint management of security along the border shall lie with the Joint Political and Security Mechanism (JPSM), which shall coordinate its activities with the Joint Border Commission, especially with regard to the management of movement routes and corridors for the use of transboundary communities.

Ceasefire No specific mention.

Police No specific mention.

Armed forces No specific mention.

DDR No specific mention.

Intelligence services	No specific mention.
Parastatal/ rebel and opposition group forces	No specific mention.
Withdrawal of foreign forces	No specific mention.
Corruption	No specific mention.
Crime/ organised crime	Page 11, Part VIII - Specific Policies for Management of the Border 26. Economic and Trade Policies (2) The Parties facilitate cross-border trade and combat smuggling and all forms of trafficking.
Drugs	No specific mention.
Terrorism	No specific mention.

Transitional justice

Transitional justice general	No specific mention.
Amnesty/ pardon	No specific mention.
Courts	No specific mention.
Mechanism	No specific mention.

Prisoner release No specific mention.

Vetting No specific mention.

Victims No specific mention.

Missing persons No specific mention.

Reparations No specific mention.

Reconciliation Page 9, Part VIII - Managing Border Security
16. Holistic Approach to Security
(1) Consistent with the IBMA, each State shall adopt a holistic approach to the management of security along the border encompassing: conflict prevention, conflict management, conflict resolution as well as reconciliation and other peace-building measures.

Implementation

UN signatory No specific mention.

Other international signatory Witnessed by: H.E. Pierre Buyoya, On behalf of the African Union High Level Implementation Panel

Referendum for agreement No specific mention.

International mission/force/similar No specific mention.

Enforcement mechanism	Page 12, Part IX - Miscellaneous Provisions 28. Border Fund (1) The Parties shall establish a fund for supporting the implementation of this Agreement and to facilitate the activities of the Joint Border Commission. Page 12, Part IX - Miscellaneous Provisions 29. Future Agreements The Parties may conclude further agreements for the better implementation of the provisions of this Agreement.
Related cases	No specific mention.
Source	Peacemaker.un.org,. 2015. 'UN Peacemaker'. http://peacemaker.un.org .
